

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ABBOTT DIABETES CARE INC., and  
ABBOTT LABORATORIES,

Plaintiffs,

v.

ROCHE DIAGNOSTICS CORPORATION  
and BAYER HEALTHCARE LLC,

Defendants/Counterplaintiffs.

CASE NO. C 05-3117 MJJ

STIPULATION AND ORDER ON ADDITION  
AND INTERVENTION OF ROCHE  
DIAGNOSTICS OPERATIONS, INC., AS A  
DEFENDANT AND COUNTERPLAINTIFF.

Granted

Plaintiffs, Abbott Diabetes Care Inc. and Abbott Laboratories, and Defendant Roche Diagnostics Corporation (RDC) respectfully stipulate to the addition and intervention of Roche Diagnostics Operations, Inc. (RDOI) as a defendant/counterplaintiff in this case.

In support of this stipulation RDC shows the Court that RDOI manufactures some of the products that are accused by Plaintiffs of infringing the patents in suit and thus RDOI has a direct interest in the outcome of this case.

DATED: September 28, 2005

LATHAM & WATKINS LLP

s/Lynn C. Tyler

Richard B. Ulmer, Jr.

BARNES & THORNBURG LLP

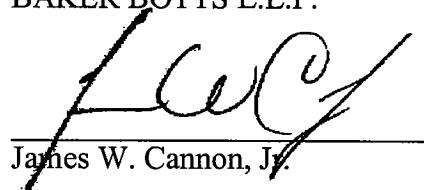
Donald E. Knebel

Lynn C. Tyler

ATTORNEYS FOR DEFENDANT ROCHE  
DIAGNOSTICS CORPORATION

DATED: September 28, 2005

BAKER BOTTS L.L.P.

  
James W. Cannon, Jr.

ATTORNEYS FOR PLAINTIFFS ABBOTT  
DIABETES CARE INC. AND ABBOTT  
LABORATORIES

**ORDER ON ADDITION AND INTERVENTION OF  
ROCHE DIAGNOSTICS OPERATIONS, INC.**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 10/3/2005

By: Martin J. Jenkins  
Honorable Martin J. Jenkins  
UNITED STATES DISTRICT JUDGE